

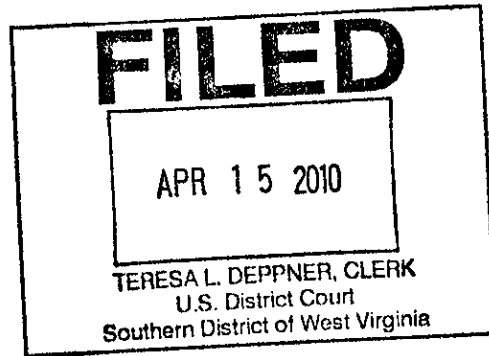
Howell W. Woltz, TEP
Federal Corrections Inst.-Beckley
P.O. Box 350
Beaver, WV 25813

CIVIL ACTION NO. 5:10-0487

April 5, 2010

Honorable Irene C. Berger
U.S. District Court-S-WV
P.O. Box 2546
Charleston, WV 25329

Dear Judge Berger:



Re: Census fraud and deprivation
of constitutional fund allocation/representation, under
color of law

As further evidence of the continuing course of criminal conduct at FCI-FCP-Beckley, I submit the enclosed affidavits which speak for themselves.

The current civil actions commenced against management of both the prison and camp (5:09-1177 & 5:10-095) have had no effect whatsoever in the abatement of activities ranging from punishable misconduct to outright criminal behavior at FCI-FCP-Beckley.

The U.S. Attorney's Office has shown no interest to date in pursuing these criminals who violate the law within government itself, so I must again appeal to this honorable court to review the enclosed documents, as they appear to state a case for the deprivation of significant constitutional rights under color of law, as well as a conspiracy to deny them.


While hopeful that my own release is imminent under habeas petition 5:09-cv-209, in the interim, I plan to continue unearthing and exposing criminal acts and misconduct which occur almost every day at this facility.

If government refuses to police, punish, or even restrain its own, then we must endeavor to use the courts to bring these matters to the public's attention and make the punitive cost of such violations prohibitive to those who would do wrong. We are left no choice.

Should this court agree that a claim has been stated and a wrong likely to have been committed by the named offenders, I seek this honorable court's approval to file an action within 30 days and for the Clerk to assign a case number under which that may be done.

The court's kind attention to this matter is greatly appreciated.

Sincerely,



Howell W. Woltz, TEP

AFFIDAVIT

COUNTY OF RALEIGH

STATE OF WEST VIRGINIA

COMES NOW the Affiant, Howell Woltz, under penalty of perjury and sayeth:

The 10-year federal census was conducted by prison officials including Counselor John Grimes, Case Manager Smith, Case Manager Childress and Unit Secretary Lewis on April 1, 2010 at the 200-man Evergreen Unit of FCI-FCP-Beckley. Counselor Grimes gave orders that the men were to only fill in Items 1-6 and the answer to #6 was to be "yes". Forms were then distributed to each man in his quarters by Counselor Grimes and Case Manager Smith.

Counselor Grimes' instruction made the prison town of Beaver, WV the permanent address of 200 non-residents, fraudulently. This act significantly benefits the prison guards' community financially, and enhances their congressional representation, while concurrently defrauding 200 men and their own communities of both.

This deprivation of constitutional rights and privileges by conspirators Grimes, Smith, Childress and Lewis, was carried out under color of law and by force of their positions as federal officers and employees.

Approximately 3:30 PM, after the fraud was complete, a memo from Warden David A. Berkebile was posted on the unit bulletin board, a copy of which is attached as Exhibit A.

The warden's memo was issued on March 29th, 2010, and was in direct opposition to the orders given by prison officials Grimes, Smith and Childress just prior to its posting.

The Berkebile memo states that \$400 billion will be distributed annually to communities nationwide by virtue of this census which amounts to \$4 trillion over the period of time for which this allocation will serve as the basis for distribution.

200 citizens were improperly deprived of rightful allocation of congressional representation and these funds by the federal conspirators Grimes, Smith, Childress and Lewis on April 1, 2010.

Using an overly conservative estimate of 200 million adults out of 300 million citizens, this fraud under color of federal

authority has deprived communities across America of more than \$4 million, and denied them due representation in the United States Congress.

Those men who defied the conspirators and properly executed the federal forms were ordered to change them as the accompanying affidavits confirm, under oath. Collectively, the affiants state a qui tam action under 31 U.S.C. §3729(a) and/or Bivens claim for deprivation of civil rights under color of law.

Further, the Affiant sayeth not.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief pursuant to 28 U.S.C. §1746.

April 5, 2010
Date executed


Howell W. Woltz, TEP



U.S. Department of Justice


Federal Bureau of Prisons

Federal Correctional Institution - Beckley, WV

P. O. Box 1280
Beaver, West Virginia 25813

March 29, 2010

MEMORANDUM FOR INMATE POPULATION

FROM:  D. Berkebille, Warden
SUBJECT: United States Census 2010


The United States Constitution requires that a count of the Nation's population be taken every 10 years. In 2010, the U.S. Census Bureau will conduct a census to count every person residing in the United States. The 2010 Census will provide key information that each community relies on to obtain their share of more than \$400 billion in federal and state funding distributed each year for health assistance, services for older adults, employment services, schools, and more.

During the 2010 Census, people who live in group quarters, such as correctional facilities will also be included. Therefore, on April 1, 2010, at approximately 2:00 p.m., Unit Team staff will be distributing the Census to each inmate at FCI Beckley. The information that will be required consists of each inmate's name, gender, age, date of birth, race, ethnicity, and the usual residence address if one exists. Health related information is not requested in the Census; therefore, the U.S. Census Bureau is in compliance with the regulations issued under the Health Insurance Portability and Accountability Act of 1996 Privacy Rule. Please note, all the information the Census Bureau collects is confidential by law.

If you have any questions, please contact your Unit Manager or Correctional Counselor.

I hereby swear under penalty of perjury that this is a true copy of the notice posted at approximately 3:30 PM in the Evergreen Unit on April 1, 2010 after the census. 28 U.S.C. §1746

SENSITIVE BUT UNCLASSIFIED (SBU)


Howell W. Woltz

AFFIDAVIT

COUNTY OF RALEIGH

STATE OF WEST VIRGINIA

COMES NOW the Affiant, Jerome Woody, under penalty of perjury, and sayeth:

On April 1, 2010, the men in our housing unit, Evergreen, who number approximately 200, were advised by Counselor John Grimes in a "town hall" meeting, that we were each to complete a 2010 institutional census form. He ordered us to only complete items 1-6, with #7 being the place to put our home address and district. We were ordered not to fill in that section, which has now caused federal funds due our home communities (and allocation of congressional representation), to be fraudulently apportioned to this prison community in West Virginia instead.

Understanding what was afoot, I put "no" in question #6. My home is Georgia. Case Manager Smith came through the line and ordered those of us who had done so to change our responses on Item #6 to "yes", which would falsely make the prison our permanent home. I did not change my form.

When I got to Mr. Grimes office to turn in the form, however, Cas Manager Childress, Case Manager Smith, Counselor Grimes, and the unit secretary, Ms. Lewis, were there. Case Manager Childress ordered me to change my answer, and make the prison my home address.

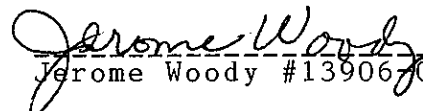
On Friday, April 2nd, 2010, I went to Case Manager Smith's office and told her that what they had done was wrong if not illegal, and I wanted my form corrected so my community in Georgia would receive funds and congressional representation rather than Beaver, WV.

She told me that she didn't have time to argue with me and ordered me to leave her office.

Further the Affiant sayeth not.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, pursuant ot 28 U.S.C. §1746.

April 5, 2010
Date executed -----


Jerome Woody #139067021

AFFIDAVIT

COUNTY OF RALEIGH

STATE OF WEST VIRGINIA

COMES NOW the Affiant, Marcus Vickers, under penalty of perjury and sayeth:

While waiting in line to turn in my 2010 census form, I was ordered by Case Manager Smith to change my home address to this prison facility by marking "yes" on item 6 on the institutional census form.

Counselor Grimes had ordered us to do that but I knew it was wrong and did it the lawful way, but was forced to change it.

At 3:30 PM, after all the forms had been done improperly on orders of Case Manager Smith and Counselor Grimes, they posted a letter from Warden Berkebile, dated March 29th, 2010, stating that our home was the proper address, if it still existed. Mine does, and my people and community have now been defrauded by these federal prison guards knowingly ordering us to do the census forms for the financial and political benefit of their own prison community and to the detriment of our own. This is criminal fraud by federal officers.

Further, the Affiant sayeth not.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, pursuant to 28 U.S.C. §1746.

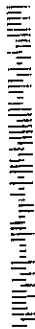
April 5, 2010

Date of execution



Marcus Vickers

Howell W. Wo
Federal Corrections Inst.-Beckley
P.O. Box 350
Beaver, WV 25813

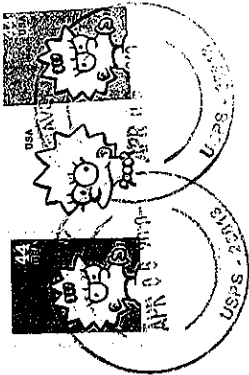


SPECIAL SERVICE
X-RAYED

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SPECIAL MAIL

Honorable Irene C. Berger
U.S. District Court-S-WV
P.O. Box 2546
Charleston, WV 25329



RECEIVED APR 14

RE: CENSUS FRAUD AT
FCI-FCP-BECKLEY

Dear Judge Berger,

The census fraud by
prison officials was
apparently anticipated,
but I was shocked at
how bold and overt
they were.

2 more affidavits
are enclosed (originals)
to go with the packet
submitted to your office
on April 5, 2010.

Thank you for your help.

Howell W. Wells

NEWSMAKERS

Blacks Urge More Efforts To Improve Census Count

Black groups urged the government to improve the count of African-Americans in this year's high-stakes census, saying they won't be satisfied with a tally that has historically overlooked millions in their community.

The National Urban League, the NAACP, Revs. Al Sharpton and Jesse Jackson met with Commerce Secretary Gary Locke to voice their concerns the Census Bureau might not be doing enough to ensure an accurate tally. About 3 million Blacks were missed in 2000, while many Whites were overcounted.

"It manifests itself in goods and services that cost us," Sharpton said.

The groups called for the Census Bureau, an agency of the Commerce Department, to expand its paid advertising to cities that have high percentages of hard-to-count Blacks, many of whom are distrustful of government workers.

The leaders said they wanted to see a change in how the government tallies prisoners, so they are counted as residents of the cities in which they previously lived, not where a prison is located.

The Census Bureau will conduct its head count via mail and door-to-door canvassing this spring. The population figures are used to apportion House seats and distribute nearly \$450 billion in federal aid.

—Associated Press

AFFIDAVIT

COUNTY OF RALEIGH

STATE OF WEST VIRGINIA

COMES NOW the Affiant, George Smith #00225-084, under penalty of perjury and sayeth:

On April 1, 2010, we were ordered to fill out 2010 census forms by Counselor John Grimes, but to only fill out up through number 6, and bring it to his office when we were done.

I did it with my home address in Rocky Mt., Virginia.

But when I got through the line to his office, Case Manager Smith took my form and tore it in half, and said, "We told you not to fill out below the 6th one," and threw the pieces in Grimes' trash can.

She then told me, "Get your goddamn ass back there and fill out another one," and gave me a new form.

She then yelled down the hallway, "If any of you have filled out past #6, come get a new form and do it like we told you to."

Further, the Affiant sayeth not.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, pursuant to 28 U.S.C. §1746.

Executed this 10th day of April, 2010.


George Smith

AFFIDAVIT

COUNTY OF RALEIGH

STATE OF WEST VIRGINIA

COMES NOW Affiant, Christopher Herrera #42562-279, under penalty of perjury, and sayeth:

On April 1st, 2010, the staff that work in our unit ordered us to fill out a census form, but only to fill in #1-6. The counselor named John Grimes is the one who gave the order.

This was about 2 PM. I live in Asheboro, NC, and wanted the funds to go to my hometown, not to this prison town, so I disobeyed Grimes and put my home address, knowing that to be the right way.

When I got through the long line to Grimes' office to turn it in, however, the Unit Secretary, Ms. Lewis, ordered me to do another one, that I had done it wrong. She took my form and told me I could only fill in #1-6. She, Case Managers Smith and Childress, and Counselor Grimes were all in there, and they were pretty intimidating.

I was forced to fill out another one the wrong way so the money went to them instead of my home town in North Carolina.

Further, the Affiant sayeth not.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, pursuant to 28 U.S.C. §1746.

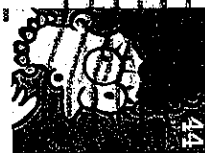
Signed this 8th day of April, 2010.


Christopher Herrera

Howell Moltz #20758-058
Federal Corrections Inst.-Beckley
P.O. Box 350
Beaver, WV 25813

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2010 Census
Mail It Back



U.S. MAIL SERVICE

BT

Honorable Irene C. Berger
U.S. District Court-S-WV
P.O. Box 2546
Charleston, WV 25326

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